

REMARKS

Claims 1-13 and 15-23 were pending. Claim 1 was canceled and claims 2-9, 12-13, 15-17, and 21 were amended herein, all without prejudice and without acquiescence. Support for amendment to claim 2 is at least on page 4 lines 8-10 of the specification. Support for amendment to claim 15 is at least from the claims. No new matter is entered herein.

I. Objection to the Specification

The specification was objected to for a variety of informalities. Applicants submit specification amendments herein and respectfully request withdrawal of the objection.

II. Sequences

The Examiner requested sequence identifiers for all sequences and provide a listing of sequences in the specification that required a SEQ ID NO. Applicants provide an amended sequence listing and amend the specification herein accordingly and respectfully request withdrawal of the objection.

III. Objection to the Drawings

Figure 1A was objected to because all of the bars appeared to be solid. Applicants submit amended Figure 1A reflecting a clarification of the bars.

Figure 3 was objected to for having sequences that lacked a sequence identifier either in the drawing or in the description of the drawing. Applicants submit an amendment of the specification herein and a corresponding amended sequence listing that includes the two sequences from Figure 3.

IV. Issues Under 35 USC § 112, second paragraph

A. Claims 1-13 and 15-20

Claims 1-13 and 15-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In particular, the claims were rejected for encompassing open-ended language for utilizing sequence of SEQ ID NO:1, and the Examiner states that such language permits any number of amino acids on either end having no restriction as being *M. tuberculosis* recognizable sequences. The Examiner states that it is unclear how one differentiates between T-cells that recognize the known sequences from T-cells that may have no relationship with infection or exposure to *M. tuberculosis*. Applicants do not necessarily agree but cancel claim 1 and amend claim 2 accordingly.

The claims were also rejected for being indefinite for including sequences “shown in” a specific SEQ ID NO. The claims are amended herein accordingly.

Applicants respectfully request withdrawal of the rejection.

B. Claim 8

Claim 8 was rejected under 35 USC § 112, second paragraph, as being indefinite. In particular, the claim was rejected for the term “represented by.” Applicants amend claim 8 accordingly and respectfully request withdrawal of the rejection.

V. Issue under 35 USC § 112, first paragraph

Claims 21 and 23 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. In particular, the claims were rejected because the specification allegedly does not show any/all antigens from any/all other sources for determination whether there is a differential T cell response to different antigens in a human. The Examiner states that the specification only utilizes antigens from *M. tuberculosis*.

Applicants focus claim 21 on *M. tuberculosis* subject matter and respectfully request withdrawal of the rejection.

VI. Issue under 35 USC § 102(b)

Claims 1, 8-13, 15, and 16 were rejected under 35 USC § 102(b) as being anticipated by Agger et al (WO 01/79274; “Agger”).

Claim 1 has been deleted, and claims 8-13 are made dependent on claim 2. As claim 2 was not included in the novelty rejection, Applicants submit that this rejection is now moot and respectfully request its withdrawal.

Claim 15 has been amended to refer to claim 2 and to incorporate features of claim 16, namely that the one or more further *M. tb.* antigens are selected from (i) Rv3873 and Rv1989c or a fragment thereof which is at least 8 amino acids long, or (ii) an analogue of (i) which binds to a T-cell which recognises (i). As the antigens Rv3873 and Rv1989c are not disclosed in the cited art, Applicants submit that this claim is novel. Claim 16 has been amended to recite only the antigens not featuring in claim 15.

Applicants respectfully request withdrawal of the rejection.

VII. Issue under 35 USC § 103(a)

Claims 17-20 were rejected under 35 USC § 103(a) as being unpatentable over Agger. Claim 17 has been amended to refer to claim 15, the subject matter of which was not included in the rejection. As Agger does not disclose a composition according to claim 15 and contains no suggestion or reason that such a composition could be of use or should be included in a kit, Applicants assert that claim 17 is inventive over Agger.

Applicants respectfully request withdrawal of the rejection.

VIII. Conclusion

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response other than that filed herewith. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03388US0 from which the undersigned is authorized to draw.

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Respectfully submitted,

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